

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 07/27/05 Item

File Number
PDC04-059

Application Type
Planned Development Rezoning

Council District SNI
10 NA

Planning Area
Almaden

Assessor's Parcel Number(s)
581-23-048

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Lesley Xavier

Location: Southeast side of Elwood Road approximately 100 feet southerly of Nikette Way.

Gross Acreage: 0.72 Net Acreage: 0.57 Net Density: 3.5

Existing Zoning: R-1-5 Single-Family Residence Existing Uses: Vacant land

Proposed Zoning: A(PD) Planned Development Proposed Use: 2 Single-family detached residential units

GENERAL PLAN

Completed by: LX

Existing Land Use/Transportation Diagram Designations

Low Density Residential (5 DU/AC)

Project Conformance:
☒ Yes ☐ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: LX

North: Single-Family detached residential R-1-5 Single-Family Residence

East: Single-Family detached residential R-1-5 Single-Family Residence

South: Single-Family detached residential R-1-5 Single-Family Residence

West: Single-Family detached residential R-1-5 Single-Family Residence

ENVIRONMENTAL STATUS

Completed by: LX

☐ Environmental Impact Report found complete
☐ Negative Declaration circulated on
☒ Negative Declaration adopted on June 24, 2005

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: LX

Annexation Title: Ryder No_1

Date: 10/09/1959

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Recommend Approval
☐ Recommend Approval with Conditions
☐ Recommend Denial

Date _____

Approved by: _____

CURRENT OWNER

Hamideh Ahmadi
P.O. Box 112348
Campbell, CA 95011

ARCHITECT

Louie Leu Architect, Inc.
Louie Leu
236 North Santa Cruz Avenue, #210
Los Gatos, CA 95030

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: LX

Department of Public Works

See attached memoranda

Other Departments and Agencies

See attached memoranda from the following:

- San Jose Fire Department

GENERAL CORRESPONDENCE

- Comment letter from James Ells and Paula Thomas
- Comment letter from Jeanne Husted
- Comment letter from Barbara and Richard Wilmer
- Comment letter from Bob Boydston

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Hamideh Ahmadi, is proposing a Planned Development Rezoning from R-1-5 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District on a 0.72 gross acre site located on the southeast side of Elwood Road approximately, 100 southerly of Nikette Way, to subdivide one parcel into two lots for two new single-family detached residences. The currently vacant subject site is bordered by single-family detached residences to the north, east, south, and west.

Project Description

The proposed Planned Development Rezoning will allow for a two-lot subdivision on the site, and the construction of a single-family detached residence on each lot. The 0.72 gross acre site is located on a hillside that slopes from rear to front. The slope varies from approximately 30 percent at the rear of the site; 28 percent in the middle; and 45 percent at the front of the site. The subdivision consists of Lot 1, a 13,070-square-foot lot, fronting on Elwood Road; and Lot 2, an 18,300-square-foot lot located uphill behind Lot 1. Lot 1 will take access from Elwood Road, and Lot 2 will take access from the existing private drive that currently serves three existing adjacent single-family detached residences. Property owners are currently responsible for maintaining their portion of the existing private drive. Permitted uses are one single-family detached residence per lot. Proposed maximum building heights are approximately 36 feet and up to three stories.

Lot 1

The proposed project will grade the lower portion of the site to construct a driveway 10 feet in width that traverses the site from the street to an attached garage located on the opposite end of the site. A retaining wall six to seven feet in height will be located uphill of the beginning of the driveway. Another retaining wall approximately 5 feet in height will be located on the downhill side of the driveway. The house on Lot 1 will be “dug into” the hill so that the first and second floors will sit approximately four to 12 feet below existing grade. The house will utilize a stepped foundation to reduce its mass and height. Two retaining walls would be located behind the house on Lot 1 to complete the change in elevation from approximately 306 feet at the Elwood Road top-of-curb to 342.5 at existing grade above the rear uphill retaining wall. The roof of the Mediterranean-style residence would generally slope in the direction of the hillside.

Lot 2

The proposed project will locate the second residence on the upper portion of the site adjacent to the existing private driveway that transects the site. A new driveway would traverse the front of the house from west to east to enable the garage slab of the three-car garage to approximate the existing slope. A pony wall approximately six feet in height would be located on the downhill side of the garage slab. The Mediterranean-style house would utilize a split pad to allow the mass of the structure to step down the hill. The difference in elevation between the pads is approximately 11 feet. The floor plate of the second level of the downhill portion of the house would match the main level of the uphill portion of the house.

ANALYSIS

The primary issue associated with this proposal is environmental review and conformance with the *San Jose 2020 General Plan* Land Use/Transportation Diagram and Hillside Development Policies.

Environmental Review

An Initial Study was prepared for this project and the Director of Planning, Building, and Code Enforcement circulated a Draft Mitigated Negative Declaration for public review on June 3, 2005. The public review period ended on June 22, 2005. The primary issues that were addressed in the environmental review included the project's potential impacts on biological resources, geology and soils, as well as air quality and noise impacts generated during the construction of new residential units. Further discussion on these items is included below. The project includes mitigation measures that would reduce any potentially significant project impacts to a less-than-significant level. A more comprehensive accounting of the environmental mitigation measures required as part of this project can be found in the project's Mitigated Negative Declaration (attached to this report). The full text of the Initial Study is available online at: <http://www.sanjoseca.gov/planning/eir/MND.htm>

Biological Resources

An arborist report titled, "Arborist Report, Project: Elwood Road, San Jose", by Deborah Ellis, MS Consulting Arborist & Horticulturist was prepared for the project. The report concluded that six Coast Live Oak trees (*Quercus Agnifolia*) with a trunk diameter ranging between 4.9 and 36 inches should be removed from the site due to extensive trunk decay and poor structure. The City of San José has established regulations for removal of ordinance size trees having trunks measuring 56 inches or greater in circumference, which is equivalent to 18 inches in diameter. The proposed project must obtain a Planned Development Permit for the removal of these ordinance-sized trees, and provide for the replacement of the removed trees in conformance with City policy. The replacement tree requirement is roughly proportional to the number of trees necessary to address the loss of each removed tree.

In addition to the proposed removal of six existing trees on the site, a previous property owner allegedly removed a total of 22 trees. Many of the previously removed trees appear to be native Oak trees. Of the 22 tree stumps, 21 of them range in size from 25 to 43 inches in circumference which would not have required a Tree Removal Permit under the San Jose Municipal Code. One of the stumps measures 56 inches in circumference and would have required a Tree Removal Permit. However, Planning staff believes native Oak woodlands are habitats of significance because of their aesthetic appeal and increasingly rare occurrence in the County.

Therefore, staff will work with the applicant at the PD Permit stage. The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed rezoning. to provide additional native Oak habitat on the site, and in other locations to compensate for the loss of the 22 trees previously removed.

Geology and Soils

The subject site is located adjacent to, and down slope of, a mapped seismic hazard zone. The ground surface of the subject site slopes down towards the north (from rear to front). The slope on site generally exceeds 30 percent and increases to approximately 45 percent along the northern edge (at the front property line). Due to the steepness of the front slope, the site will have cuts, fills, and retaining walls to accommodate the proposed residences. A geotechnical report titled, "Geotechnical Investigation - Two Planned Residences APN 581-23-048 Elwood Road San Jose, CA", by CGC Cundey Geotechnical Consultants, Inc. was prepared for the project.

The report stated that there is the presence of near-surface soils with high expansion potential on the site. It also concluded the site is suitable for the proposed development provided that the recommendations in the report are followed. A Geologic Hazards Clearance, which includes conditions on the project, was issued by the Public Works Department on May 17, 2005. The clearance letter is attached to this report. In addition, prior to issuance of a Public Works Clearance, the developer must obtain a grading permit before commencement of excavation and construction. Implementation of standard grading and best management practices would prevent substantial erosion and siltation during development of the site.

Construction Impacts

Temporary Air Quality impacts may result from construction activities on the subject site. The implementation of the mitigation measures as outlined in the Initial Study would reduce the temporary construction impacts to a less than significant level by significantly reducing the amount of particulate matter released into the atmosphere during construction. Mitigation measures include, the watering of construction areas, sweeping daily, installing sandbags, or other erosion control measures to prevent silt runoff to public roadways, and replanting vegetation in disturbed areas as quickly as possible.

Noise from the construction of the proposed project could potentially pose a significant impact to the surrounding residential properties. To limit the construction noise impacts on nearby properties, various mitigation measures have been incorporated into the proposal including limiting construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, and the use of power construction equipment with state-of-the-art noise shielding and muffling devices.

General Plan Conformance

The subject site has a *San Jose 2020 General Plan* Land Use/Transportation Diagram designation of Low Density Residential (5 DU/AC). This designation is typified by 8,000 square foot lots with a density that responds both to the need for slightly larger than normal lots to prevent excessive grading on slopes between five and fifteen percent, and to the need to provide a variety of lot and house sizes within the City. The proposed project is a two-lot subdivision with lot sizes of approximately 13,070 square feet and 18,300 square feet that would allow for the construction of one single-family residence on each lot at a net density of 3.5 DU/AC. The proposed project is in conformance with the Low Density Residential (5 DU/AC) land use designation because the project has a net density of 3.5 DU/AC, and provides lot sizes larger than standard lot sizes of 8,000 square feet to accommodate grading and development on the hillside site with slopes that

generally exceed 30 percent.

Hillside Development Policies

The General Plan seeks to preserve the natural resources of the hillsides and to minimize the exposure of the public to potential environmental hazards associated with development on the hillside. Several of the attached Hillside Development Policies are relevant to the development of the subject site. The relevant Policies support the protection of the hillsides by minimizing potential adverse visual and environmental impacts and by maximizing resource preservation. (See attached policy text)

The proposed project utilizes the Planned Development Zoning process so that flexible design techniques such as varying lot sizes and setbacks can be utilized to preserve resources, minimize visual impacts, and maximize resource preservation. The proposed development standards for the project, including setbacks for each lot, allow for the preservation of existing native trees on the site and preservation of the undeveloped hillside.

Due to the fact that the subject site is located on a steep hillside, grading is necessary for the development of the project. However, the project includes terraced or stepped foundations, instead of a single flat-pad to minimize the visual impact of placing two, 2 1/2 story structures on the site. The siting of the proposed units is also done in such a way so that existing mature trees on the site could be preserved and utilized to screen the project from adjacent residential units. In addition, the proposed building locations are situated so that the new residences will utilize existing access points from Elwood Road for Lot 1, and a private drive for Lot 2 that also serves adjacent residences. Use of existing access would eliminate the need for a new road and additional grading on the hillside.

Conclusion

Based on the above analysis, staff concludes that the proposed project conforms to the *San Jose 2020 General Plan*, and is an appropriate land use on the site.

In addition, as is typical for a Planned Development Rezoning, the architectural and site design that is shown in the plan set is considered “conceptual” and will undergo review by staff at the Planned Development Permit stage for conformance with the approved development standards. Building and roofing materials, colors, and other details will also be selected for their compatibility with the development pattern of the area.

COMMUNITY OUTREACH

The applicant presented the proposed project at a community meeting on December 16, 2004 to obtain feedback from the community. At this meeting neighbors expressed concern regarding (1) construction staging for the two new residences, (2) street cleaning, (3) delivery truck parking on a very narrow road, (4) erosion control, (5) additional traffic cars on Elwood Road, and (6) the existing need for traffic calming on Elwood Road because the road is narrow with no sidewalk and there is a blind curve just beyond the site where residents have witnessed cars traveling at excessive speeds. The developer will be required to develop and present to the community a construction management plan that addresses each of the construction issues mentioned above.

Notices of the public hearings were mailed to all property owners and tenants within 500 feet of the subject site. The Planning Commission Agenda is posted on the City of San José website, which includes a copy of the staff report. Staff has been available to discuss the project with interested members of the public.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of to the City Council to approve the proposed Planned Development Rezoning with the development standards recommended by staff for the following reasons:

1. The proposed project is consistent with the *San José 2020 General Plan* Land Use/Transportation Diagram designation of Low Density Residential (5 DU/AC).
2. The proposed project conforms to the *San José 2020 General Plan* Hillside Development Policies.
3. The proposed project is compatible with existing and proposed uses on the adjacent and neighboring properties.

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